IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.3950/07
Kamla Devi Vs. Brij Lal & Ors.

1.6.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Mahendra Sandilya for petitioner.

Heard learned counsel for the petitioner.

The petitioner has filed this writ petition challenging the order dated 7.4.2007 passed by Motor Accident Claims Tribunal, Sikar whereby his application for payment of Rs.1,00,000/- out of the amount deposited in fixed deposits pursuant to the award of that Tribunal passed on 6.10.2004 has been partly allowed and only a sum of Rs.50,000/- has been ordered to be paid to her.

Learned counsel for the petitioner submits that the petitioner is the only surviving member of the family and there was no one else except her and she required the money for construction of house and repay the loan and she is passing through grave hardship.

In the facts of the case, when the petitioner is a major and alone surviving member of the family, it is considered appropriate that the amount of Rs.1,00,000/- as demanded by her is allowed to be withdrawn.

Accordingly the writ petition of the petitioner is allowed and it is directed that in addition to the amount of Rs.50,000/- as already directed, another amount of Rs.50,000/- i.e. in total Rs.1,00,000/- shall be paid to the

petitioner by the bank concerned and the FDR of the remaining amount shall be kept with the bank to be paid at the time of its maturity from the date it was originally issued.

(Mohammad Rafiq),J.

Rs/-